

U.S. Customs Service

Treasury Decisions

19 CFR Part 12

(T.D. 02-56)

RIN 1515-AD17

EXTENSION OF IMPORT RESTRICTIONS IMPOSED ON ARCHAEOLOGICAL MATERIAL FROM GUATEMALA

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: In T.D. 97-81, the Customs Regulations were amended to reflect the imposition of import restrictions on certain archaeological material from Guatemala. These restrictions were imposed pursuant to a Memorandum of Understanding between the United States and Guatemala (the MOU) that was entered into under the authority of the Convention on Cultural Property Implementation Act in accordance with the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Recently, the United States Department of State determined that conditions continue to warrant the imposition of these import restrictions for a period not to exceed 5 years. The Governments of the United States and Mali exchanged diplomatic notes agreeing to extend the MOU. Thus, this document amends the Customs Regulations to reflect that the import restrictions currently in place continue, without interruption, for a period not to exceed five years from September 29, 2002. T.D. 97-81 contains the List of Designated Archaeological Material from Guatemala that describes the articles to which the restrictions and this extension of restrictions apply.

DATES: This regulation and the extension of import restrictions reflected in this regulation become effective on September 29, 2002.

FOR FURTHER INFORMATION CONTACT: (Regulatory Aspects) Joseph Howard, Intellectual Property Rights Branch (202) 572-8701; (Operational Aspects) Al Morawski, Trade Operations (202) 927-0402.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Pursuant to the provisions of the 1970 UNESCO Convention, codified into U.S. law as the Convention on Cultural Property Implementation Act (Pub. L. 97-446, 19 U.S.C. 2601 *et seq*) (the Act), the United States entered into a bilateral agreement with Guatemala on September 29, 1997 (Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Guatemala Concerning the Imposition of Import Restrictions on Archaeological Objects and Materials from the Pre-Columbian Cultures of Guatemala) (the MOU), concerning the imposition of import restrictions on certain archaeological material from Guatemala. The U.S. Customs Service issued T.D. 97-81 (62 FR 51771, October 3, 1997) amending § 12.104g(a) of the Customs Regulations (19 CFR 12.104g(a)) to reflect the imposition of these restrictions for a period not to exceed five years. The restrictions cover Maya material from the Peten Lowlands and related pre-Columbian material from the Highlands and the Southern Coast of Guatemala. The restrictions became effective on October 3, 1997.

Prior to the issuance of T.D. 97-81, Customs issued T.D. 91-34 (56 FR 15181, April 15, 1991) that imposed emergency import restrictions on certain archaeological material from the Peten Region of Guatemala. Under T.D. 91-34, § 12.104g(b) (19 CFR 12.104g(b)) of the regulations pertaining to emergency restrictions was amended accordingly. These emergency restrictions were extended for a period of three years under T.D. 94-84 (59 FR 55528, November 7, 1994). Subsequently, the same archaeological material covered by T.D. 91-34 (and the extension of T.D. 94-84) was subsumed in T.D. 97-81 when it was published in 1997, at which time the emergency restrictions of T.D. 91-34 (and T.D. 94-84) were removed from § 12.104g(b).

On August 18, 2002, the Assistant Secretary of Educational and Cultural Affairs, Department of State, concluded, among other things, that the cultural patrimony of Guatemala continues to be in jeopardy from pillage of irreplaceable materials representing its Pre-Columbian heritage and made the necessary determinations under 19 U.S.C. 2602(e) and 2602(a) to extend the import restrictions for a period not to exceed five years (in the Determination to Extend the MOU). The Government of the United States and the Government of the Republic of Mali exchanged diplomatic notes on September 20, 2002, agreeing to extend the MOU effective September 29, 2002. Accordingly, Customs is amending § 12.104g(a) to reflect the extension of the import restrictions.

The List of Designated Archaeological Material from Guatemala describing the materials covered by these import restrictions is set forth in T.D. 97-81. The list and accompanying image database may also be found at the following internet website address: <http://exchanges.state.gov/culprop>.

The restrictions on the importation of these archaeological materials from Guatemala are to continue in effect for five years from September 29, 2002. Importation of these materials continues to be restricted unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

INAPPLICABILITY OF NOTICE AND DELAYED EFFECTIVE DATE

Because the amendment to the Customs Regulations contained in this document extends import restrictions already imposed on the above-listed cultural property of Guatemala by the terms of a bilateral agreement entered into in furtherance of a foreign affairs function of the United States, pursuant to the Administrative Procedure Act (5 U.S.C. 553(a)(1)), notice of proposed rule-making, public procedure, and a delayed effective date are not required.

REGULATORY FLEXIBILITY ACT

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. Accordingly, this final rule is not subject to the regulatory analysis or other requirements of 5 U.S.C 603 and 604.

EXECUTIVE ORDER 12866

This amendment does not meet the criteria of a “significant regulatory action” as described in E.O. 12866.

DRAFTING INFORMATION

The principal author of this document was Bill Conrad, Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service.

LIST OF SUBJECTS IN 19 CFR PART 12

Cultural property, Customs duties and inspections, Imports.

AMENDMENT TO THE REGULATIONS

Accordingly, Part 12 of the Customs Regulations (19 CFR Part 12) is amended as set forth below:

PART 12—[AMENDED]

1. The general authority and specific authority citations for Part 12, in part, continue to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 23, Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

* * * * *

2. In § 12.104g(a), the list of agreements imposing import restrictions on described articles of cultural property of State Parties is amended in

the entry for Guatemala by adding “extended by T.D. 02–56” immediately after “T.D. 97–81” in the column headed “T.D. No.”.

ROBERT C. BONNER,
Commissioner of Customs.

TIMOTHY E. SKUD,
Deputy Assistant Secretary of the Treasury.
[Published in the Federal Register, September 30, 2002 (67 FR 61259)]

(T.D. 02–57)

FOREIGN CURRENCIES

VARIANCES FROM QUARTERLY RATES FOR SEPTEMBER 2002

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, and reflect variances of 5 per centum or more from the quarterly rates published in Treasury Decision 02–41 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Holiday(s): September 2, 2002.

Brazil real:

September 1, 2002	\$0.333000
September 2, 2002 .....	.333000
September 3, 2002 .....	.322373
September 4, 2002 .....	.319081
September 5, 2002 .....	.318218
September 6, 2002 .....	.314961
September 7, 2002 .....	.314961
September 8, 2002 .....	.314961
September 9, 2002 .....	.320256
September 10, 2002 .....	.317360
September 11, 2002 .....	.321543
September 12, 2002 .....	.321440
September 13, 2002 .....	.317965
September 14, 2002 .....	.317965
September 15, 2002 .....	.317965
September 16, 2002 .....	.313480
September 17, 2002 .....	.310126
September 18, 2002 .....	.298954
September 19, 2002 .....	.293169
September 20, 2002 .....	.291121
September 21, 2002 .....	.291121
September 22, 2002 .....	.291121
September 23, 2002 .....	.280191
September 24, 2002 .....	.277008

FOREIGN CURRENCIES—Variances from quarterly rates for September 2002 (continued):

Brazil real (continued):

September 25, 2002	\$0.269542
September 26, 2002 .....	.265252
September 27, 2002 .....	.260756
September 28, 2002 .....	.260756
September 29, 2002 .....	.260756
September 30, 2002 .....	.262950

South Africa rand:

September 3, 2002	\$0.093088
September 4, 2002 .....	.093633
September 5, 2002 .....	.094518
September 10, 2002 .....	.093914
September 11, 2002 .....	.094429
September 16, 2002 .....	.093197
September 17, 2002 .....	.094518
September 18, 2002 .....	.094340
September 20, 2002 .....	.094429
September 21, 2002 .....	.094429
September 22, 2002 .....	.094429
September 23, 2002 .....	.093633
September 24, 2002 .....	.093545
September 25, 2002 .....	.094429

Venezuela bolivar:

September 10, 2002	\$0.000679
September 11, 2002 .....	.000669
September 27, 2002 .....	.000679
September 28, 2002 .....	.000679
September 29, 2002 .....	.000679
September 30, 2002 .....	.000679

Dated: October 1, 2002.

RICHARD B. LAMAN,
Chief,
Customs Information Exchange.

(T.D. 02-58)

FOREIGN CURRENCIES

DAILY RATES FOR COUNTRIES NOT ON
QUARTERLY LIST FOR SEPTEMBER 2002

The Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Holiday(s): September 2, 2002.

Austria schilling:

September 1, 2002	.....	\$0.071263
September 2, 2002	.....	.071263
September 3, 2002	.....	.072375
September 4, 2002	.....	.072113
September 5, 2002	.....	.072026
September 6, 2002	.....	.071532
September 7, 2002	.....	.071532
September 8, 2002	.....	.071532
September 9, 2002	.....	.071343
September 10, 2002	.....	.070871
September 11, 2002	.....	.070667
September 12, 2002	.....	.070936
September 13, 2002	.....	.070805
September 14, 2002	.....	.070805
September 15, 2002	.....	.070805
September 16, 2002	.....	.070660
September 17, 2002	.....	.070384
September 18, 2002	.....	.071139
September 19, 2002	.....	.071343
September 20, 2002	.....	.071503
September 21, 2002	.....	.071503
September 22, 2002	.....	.071503
September 23, 2002	.....	.071379
September 24, 2002	.....	.071328
September 25, 2002	.....	.071198
September 26, 2002	.....	.070892
September 27, 2002	.....	.071016
September 28, 2002	.....	.071016
September 29, 2002	.....	.071016
September 30, 2002	.....	.071793

Belgium franc:

September 1, 2002	.....	\$0.024308
September 2, 2002	.....	.024308
September 3, 2002	.....	.024688
September 4, 2002	.....	.024598
September 5, 2002	.....	.024569
September 6, 2002	.....	.024400
September 7, 2002	.....	.024400
September 8, 2002	.....	.024400
September 9, 2002	.....	.024336

FOREIGN CURRENCIES—Daily rates for countries not on quarterly list for
September 2002 (continued):

Belgium franc (continued):

September 10, 2002	.....	\$0.024175
September 11, 2002	.....	.024105
September 12, 2002	.....	.024197
September 13, 2002	.....	.024152
September 14, 2002	.....	.024152
September 15, 2002	.....	.024152
September 16, 2002	.....	.024103
September 17, 2002	.....	.024008
September 18, 2002	.....	.024266
September 19, 2002	.....	.024336
September 20, 2002	.....	.024390
September 21, 2002	.....	.024390
September 22, 2002	.....	.024390
September 23, 2002	.....	.024348
September 24, 2002	.....	.024331
September 25, 2002	.....	.024286
September 26, 2002	.....	.024182
September 27, 2002	.....	.024224
September 28, 2002	.....	.024224
September 29, 2002	.....	.024224
September 30, 2002	.....	.024489

Finland markka:

September 1, 2002	.....	\$0.164925
September 2, 2002	.....	.164925
September 3, 2002	.....	.167498
September 4, 2002	.....	.166893
September 5, 2002	.....	.166691
September 6, 2002	.....	.165547
September 7, 2002	.....	.165547
September 8, 2002	.....	.165547
September 9, 2002	.....	.165110
September 10, 2002	.....	.164017
September 11, 2002	.....	.163546
September 12, 2002	.....	.164168
September 13, 2002	.....	.163865
September 14, 2002	.....	.163865
September 15, 2002	.....	.163865
September 16, 2002	.....	.163529
September 17, 2002	.....	.162890
September 18, 2002	.....	.164639
September 19, 2002	.....	.165110
September 20, 2002	.....	.165480
September 21, 2002	.....	.165480
September 22, 2002	.....	.165480
September 23, 2002	.....	.165194
September 24, 2002	.....	.165076
September 25, 2002	.....	.164774
September 26, 2002	.....	.164067
September 27, 2002	.....	.164353
September 28, 2002	.....	.164353
September 29, 2002	.....	.164353
September 30, 2002	.....	.166153

FOREIGN CURRENCIES—Daily rates for countries not on quarterly list for
September 2002 (continued):

France franc:

September 1, 2002	.....	\$0.149492
September 2, 2002	.....	.149492
September 3, 2002	.....	.151824
September 4, 2002	.....	.151275
September 5, 2002	.....	.151092
September 6, 2002	.....	.150056
September 7, 2002	.....	.150056
September 8, 2002	.....	.150056
September 9, 2002	.....	.149659
September 10, 2002	.....	.148668
September 11, 2002	.....	.148241
September 12, 2002	.....	.148805
September 13, 2002	.....	.148531
September 14, 2002	.....	.148531
September 15, 2002	.....	.148531
September 16, 2002	.....	.148226
September 17, 2002	.....	.147647
September 18, 2002	.....	.149232
September 19, 2002	.....	.149659
September 20, 2002	.....	.149995
September 21, 2002	.....	.149995
September 22, 2002	.....	.149995
September 23, 2002	.....	.149735
September 24, 2002	.....	.149629
September 25, 2002	.....	.149354
September 26, 2002	.....	.148714
September 27, 2002	.....	.148973
September 28, 2002	.....	.148973
September 29, 2002	.....	.148973
September 30, 2002	.....	.150604

Germany Deutsche mark:

September 1, 2002	.....	\$0.501373
September 2, 2002	.....	.501373
September 3, 2002	.....	.509196
September 4, 2002	.....	.507355
September 5, 2002	.....	.506741
September 6, 2002	.....	.503265
September 7, 2002	.....	.503265
September 8, 2002	.....	.503265
September 9, 2002	.....	.501935
September 10, 2002	.....	.498612
September 11, 2002	.....	.497180
September 12, 2002	.....	.499072
September 13, 2002	.....	.498152
September 14, 2002	.....	.498152
September 15, 2002	.....	.498152
September 16, 2002	.....	.497129
September 17, 2002	.....	.495186
September 18, 2002	.....	.500504
September 19, 2002	.....	.501935
September 20, 2002	.....	.503060
September 21, 2002	.....	.503060
September 22, 2002	.....	.503060
September 23, 2002	.....	.502191
September 24, 2002	.....	.501833

FOREIGN CURRENCIES—Daily rates for countries not on quarterly list for
September 2002 (continued):

Germany Deutsche mark (continued):

September 25, 2002	.....	\$0.500913
September 26, 2002	.....	.498765
September 27, 2002	.....	.499634
September 28, 2002	.....	.499634
September 29, 2002	.....	.499634
September 30, 2002	.....	.505105

Greece drachma:

September 1, 2002	.....	\$0.002878
September 2, 2002	.....	.002878
September 3, 2002	.....	.002923
September 4, 2002	.....	.002912
September 5, 2002	.....	.002909
September 6, 2002	.....	.002889
September 7, 2002	.....	.002889
September 8, 2002	.....	.002889
September 9, 2002	.....	.002881
September 10, 2002	.....	.002862
September 11, 2002	.....	.002854
September 12, 2002	.....	.002865
September 13, 2002	.....	.002859
September 14, 2002	.....	.002859
September 15, 2002	.....	.002859
September 16, 2002	.....	.002853
September 17, 2002	.....	.002842
September 18, 2002	.....	.002873
September 19, 2002	.....	.002881
September 20, 2002	.....	.002887
September 21, 2002	.....	.002887
September 22, 2002	.....	.002887
September 23, 2002	.....	.002882
September 24, 2002	.....	.002880
September 25, 2002	.....	.002875
September 26, 2002	.....	.002863
September 27, 2002	.....	.002868
September 28, 2002	.....	.002868
September 29, 2002	.....	.002868
September 30, 2002	.....	.002899

Ireland pound:

September 1, 2002	.....	\$1.245105
September 2, 2002	.....	1.245105
September 3, 2002	.....	1.264532
September 4, 2002	.....	1.259961
September 5, 2002	.....	1.258437
September 6, 2002	.....	1.249803
September 7, 2002	.....	1.249803
September 8, 2002	.....	1.249803
September 9, 2002	.....	1.246502
September 10, 2002	.....	1.238249
September 11, 2002	.....	1.234693
September 12, 2002	.....	1.239391
September 13, 2002	.....	1.237106
September 14, 2002	.....	1.237106
September 15, 2002	.....	1.237106
September 16, 2002	.....	1.234566

FOREIGN CURRENCIES—Daily rates for countries not on quarterly list for
September 2002 (continued):

Ireland pound (continued):

September 17, 2002	\$1.229741
September 18, 2002	1.242947
September 19, 2002	1.246502
September 20, 2002	1.249295
September 21, 2002	1.249295
September 22, 2002	1.249295
September 23, 2002	1.247137
September 24, 2002	1.246248
September 25, 2002	1.243962
September 26, 2002	1.238629
September 27, 2002	1.240788
September 28, 2002	1.240788
September 29, 2002	1.240788
September 30, 2002	1.254374

Italy lira:

September 1, 2002	\$0.000506
September 2, 2002	.000506
September 3, 2002	.000514
September 4, 2002	.000512
September 5, 2002	.000512
September 6, 2002	.000508
September 7, 2002	.000508
September 8, 2002	.000508
September 9, 2002	.000507
September 10, 2002	.000504
September 11, 2002	.000502
September 12, 2002	.000504
September 13, 2002	.000503
September 14, 2002	.000503
September 15, 2002	.000503
September 16, 2002	.000502
September 17, 2002	.000500
September 18, 2002	.000506
September 19, 2002	.000507
September 20, 2002	.000508
September 21, 2002	.000508
September 22, 2002	.000508
September 23, 2002	.000507
September 24, 2002	.000507
September 25, 2002	.000506
September 26, 2002	.000504
September 27, 2002	.000505
September 28, 2002	.000505
September 29, 2002	.000505
September 30, 2002	.000510

Luxembourg franc:

September 1, 2002	\$0.024308
September 2, 2002	.024308
September 3, 2002	.024688
September 4, 2002	.024598
September 5, 2002	.024569
September 6, 2002	.024400
September 7, 2002	.024400
September 8, 2002	.024400

FOREIGN CURRENCIES—Daily rates for countries not on quarterly list for
September 2002 (continued):

Luxembourg franc (continued):

September 9, 2002	.....	\$0.024336
September 10, 2002	.....	.024175
September 11, 2002	.....	.024105
September 12, 2002	.....	.024197
September 13, 2002	.....	.024152
September 14, 2002	.....	.024152
September 15, 2002	.....	.024152
September 16, 2002	.....	.024103
September 17, 2002	.....	.024008
September 18, 2002	.....	.024266
September 19, 2002	.....	.024336
September 20, 2002	.....	.024390
September 21, 2002	.....	.024390
September 22, 2002	.....	.024390
September 23, 2002	.....	.024348
September 24, 2002	.....	.024331
September 25, 2002	.....	.024286
September 26, 2002	.....	.024182
September 27, 2002	.....	.024224
September 28, 2002	.....	.024224
September 29, 2002	.....	.024224
September 30, 2002	.....	.024489

Netherlands guilder:

September 1, 2002	.....	\$0.444977
September 2, 2002	.....	.444977
September 3, 2002	.....	.451920
September 4, 2002	.....	.450286
September 5, 2002	.....	.449742
September 6, 2002	.....	.446656
September 7, 2002	.....	.446656
September 8, 2002	.....	.446656
September 9, 2002	.....	.445476
September 10, 2002	.....	.442526
September 11, 2002	.....	.441256
September 12, 2002	.....	.442935
September 13, 2002	.....	.442118
September 14, 2002	.....	.442118
September 15, 2002	.....	.442118
September 16, 2002	.....	.441211
September 17, 2002	.....	.439486
September 18, 2002	.....	.444205
September 19, 2002	.....	.445476
September 20, 2002	.....	.446474
September 21, 2002	.....	.446474
September 22, 2002	.....	.446474
September 23, 2002	.....	.445703
September 24, 2002	.....	.445385
September 25, 2002	.....	.444568
September 26, 2002	.....	.442663
September 27, 2002	.....	.443434
September 28, 2002	.....	.443434
September 29, 2002	.....	.443434
September 30, 2002	.....	.448289

FOREIGN CURRENCIES—Daily rates for countries not on quarterly list for
September 2002 (continued):

Portugal escudo:

September 1, 2002	.....	\$0.004891
September 2, 2002	.....	.004891
September 3, 2002	.....	.004968
September 4, 2002	.....	.004950
September 5, 2002	.....	.004944
September 6, 2002	.....	.004910
September 7, 2002	.....	.004910
September 8, 2002	.....	.004910
September 9, 2002	.....	.004897
September 10, 2002	.....	.004864
September 11, 2002	.....	.004850
September 12, 2002	.....	.004869
September 13, 2002	.....	.004860
September 14, 2002	.....	.004860
September 15, 2002	.....	.004860
September 16, 2002	.....	.004850
September 17, 2002	.....	.004831
September 18, 2002	.....	.004883
September 19, 2002	.....	.004897
September 20, 2002	.....	.004908
September 21, 2002	.....	.004908
September 22, 2002	.....	.004908
September 23, 2002	.....	.004899
September 24, 2002	.....	.004896
September 25, 2002	.....	.004887
September 26, 2002	.....	.004866
September 27, 2002	.....	.004874
September 28, 2002	.....	.004874
September 29, 2002	.....	.004874
September 30, 2002	.....	.004928

South Korea won:

September 1, 2002	.....	\$0.000832
September 2, 2002	.....	.000832
September 3, 2002	.....	.000833
September 4, 2002	.....	.000837
September 5, 2002	.....	.000839
September 6, 2002	.....	.000836
September 7, 2002	.....	.000836
September 8, 2002	.....	.000836
September 9, 2002	.....	.000836
September 10, 2002	.....	.000837
September 11, 2002	.....	.000826
September 12, 2002	.....	.000833
September 13, 2002	.....	.000831
September 14, 2002	.....	.000831
September 15, 2002	.....	.000831
September 16, 2002	.....	.000820
September 17, 2002	.....	.000821
September 18, 2002	.....	.000824
September 19, 2002	.....	.000826
September 20, 2002	.....	.000826
September 21, 2002	.....	.000826
September 22, 2002	.....	.000826
September 23, 2002	.....	.000819
September 24, 2002	.....	.000812

FOREIGN CURRENCIES—Daily rates for countries not on quarterly list for
September 2002 (continued):

South Korea won (continued):

September 25, 2002	.....	\$0.000810
September 26, 2002	.....	.000814
September 27, 2002	.....	.000814
September 28, 2002	.....	.000814
September 29, 2002	.....	.000814
September 30, 2002	.....	.000815

Spain peseta:

September 1, 2002	.....	\$0.005894
September 2, 2002	.....	.005894
September 3, 2002	.....	.005985
September 4, 2002	.....	.005964
September 5, 2002	.....	.005957
September 6, 2002	.....	.005916
September 7, 2002	.....	.005916
September 8, 2002	.....	.005916
September 9, 2002	.....	.005900
September 10, 2002	.....	.005861
September 11, 2002	.....	.005844
September 12, 2002	.....	.005866
September 13, 2002	.....	.005856
September 14, 2002	.....	.005856
September 15, 2002	.....	.005856
September 16, 2002	.....	.005844
September 17, 2002	.....	.005821
September 18, 2002	.....	.005883
September 19, 2002	.....	.005900
September 20, 2002	.....	.005913
September 21, 2002	.....	.005913
September 22, 2002	.....	.005913
September 23, 2002	.....	.005903
September 24, 2002	.....	.005899
September 25, 2002	.....	.005888
September 26, 2002	.....	.005863
September 27, 2002	.....	.005873
September 28, 2002	.....	.005873
September 29, 2002	.....	.005873
September 30, 2002	.....	.005937

Taiwan N.T. dollar:

September 1, 2002	.....	\$0.029206
September 2, 2002	.....	.029206
September 3, 2002	.....	.029129
September 4, 2002	.....	.029206
September 5, 2002	.....	.029308
September 6, 2002	.....	.029308
September 7, 2002	.....	.029308
September 8, 2002	.....	.029308
September 9, 2002	.....	.029206
September 10, 2002	.....	.029155
September 11, 2002	.....	.029087
September 12, 2002	.....	.029061
September 13, 2002	.....	.029061
September 14, 2002	.....	.029061
September 15, 2002	.....	.029061
September 16, 2002	.....	.028777

FOREIGN CURRENCIES—Daily rates for countries not on quarterly list for September 2002 (continued):

Taiwan N.T. dollar (continued):

September 17, 2002	.....	\$0.028752
September 18, 2002	.....	.028827
September 19, 2002	.....	.028893
September 20, 2002	.....	.028760
September 21, 2002	.....	.028760
September 22, 2002	.....	.028760
September 23, 2002	.....	.028752
September 24, 2002	.....	.028727
September 25, 2002	.....	.028653
September 26, 2002	.....	.028588
September 27, 2002	.....	.028637
September 28, 2002	.....	.028637
September 29, 2002	.....	.028637
September 30, 2002	.....	.028637

Dated: October 1, 2002.

RICHARD B. LAMAN,
Chief,
Customs Information Exchange.

(T.D. 02-60)

FOREIGN CURRENCIES

QUARTERLY RATES OF EXCHANGE:
 OCTOBER 1, 2002 THROUGH DECEMBER 31, 2002

The table below lists rates of exchange, in United States dollars for certain foreign currencies, which are based upon rates certified to the Secretary of the Treasury by the Federal Reserve of New York under provisions of 31 U.S.C. 5151, for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Country	Name of currency	U.S. dollars
Australia	Dollar	\$0.542200
Brazil	Real	0.270856
Canada	Dollar	0.630398
China, P.R.	Yuan	0.120811
Denmark	Krone	0.132723
Hong Kong	Dollar	0.128213
India	Rupee	0.020665
Japan	Yen	0.008148
Malaysia	Ringgit	0.263158
Mexico	New Peso	0.098406
New Zealand	Dollar	0.471000
Norway	Krone	0.134680

Country	Name of currency	U.S. dollars
Singapore	Dollar	\$0.559065
South Africa	Rand	0.095969
Sri Lanka	Rupee	0.010373
Sweden	Krona	0.108472
Switzerland	Franc	0.675995
Thailand	Baht	0.022999
United Kingdom	Pound Sterling	1.570800
Venezuela	Bolivar	0.000680

Dated: October 1, 2002.

RICHARD B. LAMAN,
Chief,
Customs Information Exchange.